

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ELOF HANSSON USA INC.,
Plaintiff,

v.

EDGAR SANTIAGO and BOLIVAR
ERNESTO INFANTE QUINONES,
Defendants.
-----X

**ORDER ADOPTING
REPORT AND
RECOMMENDATION**

18 CV 2758 (VB)

Briccetti, J.:

Before the Court is Magistrate Judge Paul E. Davison's Report and Recommendation ("R&R"), dated August 24, 2021, on plaintiff's motion for entry of default judgment against defendant Bolivar Ernesto Infante Quinones ("Bolivar"). (Doc. #202). Magistrate Judge Davison recommended the Court grant plaintiff's motion. Specifically, Judge Davison recommended: (i) the Court grant plaintiff's motion for default; (ii) enter judgment in favor of plaintiff against Bolivar on counts five through seven (conversion), count nine (replevin), and count ten (unjust enrichment); and (iii) hold Bolivar jointly and severally liable with defendant Edgar Santiago on the conversion and replevin claims and award damages against Bolivar on those claims in the amount of \$643,684.99, plus prejudgment interest on that amount calculated at the New York statutory rate of 9% per annum, beginning June 2, 2017. (*Id.* at 13).

A district court reviewing a magistrate judge's report and recommendation "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Parties may raise objections to the magistrate judge's report and recommendation, but they must be "specific[,] written," and submitted within fourteen days after being served with a copy of the recommended disposition, Fed. R. Civ. P. 72(b)(2); 28 U.S.C. § 636(b)(1), or within seventeen days if the parties are served by mail. *See* Fed. R. Civ. P. 6(d).

The case docket indicates defendant Bolivar is in default, having failed to appear or defend this action, despite having been served with process and plaintiff's motion for default judgment.

No parties have objected to Judge Davison's thorough and well-reasoned R&R. The Court has carefully reviewed the R&R, the amended complaint, and plaintiff's submissions, and finds no error, clear or otherwise.

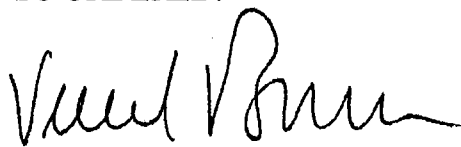
Accordingly, the Court adopts the R&R as the opinion of the Court, and plaintiff's motion for default judgment is GRANTED. Plaintiff shall be awarded \$643,684.99 in damages against Bolivar on counts five through seven, count nine, and count ten in the amount of \$643,684.99, plus prejudgment interest on that amount calculated at the New York rate of 9% per annum, beginning June 2, 2017.

The Clerk is instructed to terminate the motion. (Doc. #142).

The Court will separately so order and enter plaintiff's proposed default judgment (Doc. #150).

Dated: September 21, 2021
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge